

**Ordinance adding Section 33-17 to Corpus Christi Code to prohibit parking on an unimproved surface on residential lots; and providing for a penalty not to exceed \$500 per violation.**

**WHEREAS**, the parking of vehicles on unimproved surfaces of residential lots may damage underground infrastructure;

**WHEREAS**, parking of vehicles on unimproved surfaces of residential lots has a deleterious impact on a neighborhood; and

**WHEREAS**, the Unified Development Code §4.2.5. E. prohibits the parking of vehicles on required residential street yards except on a paved surface.

**THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CORPUS CHRISTI, TEXAS:**

**SECTION 1.** That Chapter 33, OFFENSES AND MISCELLANEOUS PROVISIONS, is amended by adding Section 33 -17, Parking on unimproved surfaces, to read as follows:

**Sec. 33-17. – Parking on unimproved surfaces.**

- (a) Definitions: The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Improved surface* means an area, the surface of which is comprised of materials constructed to a depth sufficient to distribute the weight of a vehicle or equipment over such area to preclude deterioration and deflection of the area due to vehicle or equipment load, adverse weather, or other conditions. Examples of materials with which an improved surface might be constructed include asphalt, concrete, brick, or another hard surface dustless material.

*Lot* means contiguous land under common ownership, as shown on the most recently approved ad valorem tax rolls of the city, that is used or developed as a unit for residential uses, regardless of whether the land consists of a platted lot or a portion of a platted lot or a combination thereof.

*Street yard.* The area of a lot or parcel which lies between the property line abutting a street and the wall of a dwelling.

*Vehicle or equipment* means and includes any house trailer, mobile home, motor vehicle, truck, passenger motor vehicle, motor home, camper cabin, motorcycle, trailer, boat, farm machinery or similar equipment or any truck with more than two axles or any trailer, mobile home or motor home with a length exceeding 20 feet.

- (b) Offense. It shall be an offense for any person to park or to cause, suffer or permit the parking of a vehicle or equipment on any surface that is not an improved surface within a street yard. It is presumed that the registered owner of the vehicle or equipment is the person who parked, caused, suffered, or permitted the vehicle or equipment to be parked in violation of this section.
- (c) Affirmative Defense. It is an affirmative defense to prosecution under this section that at the time of the alleged violation:
  - (1) the lot does not have an improved driveway; or
  - (2) the street yard abuts a street with a width of less than 28 feet.
- (d) Criminal Penalty. The maximum fine for a violation of this section is \$500.
- (e) The culpable mental state required by Texas Penal Code § 6.02 is specifically negated and dispensed with, and a violation of this article is a strict liability offense.

**Secs. 33-18 & 33-39. - Reserved.**

**SECTION 2.** If for any reason any section, paragraph, subdivision, clause, phrase, word, or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word or provision of this ordinance, for it is the definite intent of this City Council that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

**SECTION 3.** Publication shall be made in the official publication of the City of Corpus Christi as required by the City Charter of the City of Corpus Christi.

**SECTION 4.** Penalties are as provided in Section 1-6 of the Corpus Christi Code.

**SECTION 5.** This ordinance takes effect after official publication.

That the foregoing ordinance was read for the first time and passed to its second reading on this the \_\_\_\_ day of \_\_\_\_\_, 2021, by the following vote:

Paulette M. Guajardo \_\_\_\_\_

John Martinez \_\_\_\_\_

Roland Barrera \_\_\_\_\_

Ben Molina \_\_\_\_\_

Gil Hernandez \_\_\_\_\_

Mike Pusley \_\_\_\_\_

Michael Hunter \_\_\_\_\_

Greg Smith \_\_\_\_\_

Billy Lerma \_\_\_\_\_

That the foregoing ordinance was read for the second time and passed finally on this the \_\_\_\_ day of \_\_\_\_\_ 2021, by the following vote:

Paulette M. Guajardo \_\_\_\_\_

John Martinez \_\_\_\_\_

Roland Barrera \_\_\_\_\_

Ben Molina \_\_\_\_\_

Gil Hernandez \_\_\_\_\_

Mike Pusley \_\_\_\_\_

Michael Hunter \_\_\_\_\_

Greg Smith \_\_\_\_\_

Billy Lerma \_\_\_\_\_

PASSED AND APPROVED on this the \_\_\_\_ day of \_\_\_\_\_, 2021.

ATTEST:

\_\_\_\_\_  
Rebecca Huerta  
City Secretary

\_\_\_\_\_  
Paulette M. Guajardo  
Mayor